

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JOSHUA J. BALDASSARRE,

Case No. 2:24-cv-00574-MMD-DJA

Petitioner,

ORDER

v.

WARDEN BEAN, *et al.*,

Respondents.

Petitioner Joshua J. Baldassarre, a *pro se* Nevada prisoner, submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2254, as well as an Application to Proceed *in forma pauperis* (“IFP”) (ECF No. 1).

A \$5.00 filing fee is required to initiate a habeas action in a federal district court. 28 U.S.C. § 1914(a); Judicial Conference Schedule of Fees. The court may authorize a person to begin an action without prepaying fees and costs if the person demonstrates indigency. 28 U.S.C. § 1915; LSR 1-1, 1-2. The IFP application must be submitted on the form provided by the court and include specific financial information and a declaration confirming under the penalty of perjury that the financial information is true. *Id.*

The financial certificate shows Petitioner is able to pay the \$5 filing fee. (ECF No. 1 at 4.) Thus, he does not qualify for a fee waiver. The Court therefore denies the IFP application and gives Petitioner 45 days to pay the \$5 filing fee.

It is therefore ordered that Petitioner’s Application to Proceed *in forma pauperis* (ECF No. 1) is denied.

It is further ordered that the initial screening of the Petition for Writ of Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases is deferred to until such time as he has fully complied with this order.

1 It is further ordered that, within 45 days of the date of this order, Petitioner must
2 pay the \$5 filing fee.

3 The Clerk of Court is directed to send Petitioner two copies of this order. If
4 Petitioner decides to pay the filing fee from his inmate account, he must arrange to have
5 a copy of this order attached to the check for the filing fee.

6 It is further ordered that Petitioner's failure to comply with this order within 45 days
7 by paying the filing fee will result in the dismissal of this action without prejudice and
8 without further advance notice.

9 DATED THIS 3rd Day of April 2024.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

11 MIRANDA M. DU
12 CHIEF UNITED STATES DISTRICT JUDGE
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